



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 28 2011

Carmen G. Alicea
Chief of Environmental Studies Office
Puerto Rico Highways and Transportation Authority
P.O. Box 42007
San Juan, PR 00940-2007

RE: Cidra Corridor from Cidra Industrial Street to PR-52, Puerto Rico

Dear Ms. Alicea:

In accordance with Section 309 of the Clean Air Act and with the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the Federal Highway Administration's (FHWA) Draft Environmental Impact Statement (DEIS) for the Cidra Corridor from Cidra Industrial Street to PR-52 (CEQ # 2011002). The proposed highway is located in the Municipality of Cidra, Puerto Rico, and would improve mobility from Cidra Ward to the Puerto Rico Strategic Highway Network (PRSHN), specifically to expressway PR-52. FHWA has analyzed five (5) new four lane roadway alignments and the no action alternative in this DEIS. Alternative C3 is FHWA's preferred alternative.

EPA's primary concern is that the reasonably foreseeable indirect effects of the proposed corridor are not evaluated. While Chapter 2 describes the safety issues and traffic congestion on the existing main access route to Cidra, PR-172, as the primary purpose and need for the project, Chapter 2 also states that "Adequate and safe access to Cidra would increase the potential and attractiveness for the establishment of new business" and that "the lack of adequate mobility from the PRSHN and Cidra constrains the economic development of Cidra." The indirect effects of the economic growth allowed by the construction and operation of a new corridor should be analyzed and included in the DEIS. The analysis of effects should include, but not be limited to, new land use and development, additional water use, and any necessary infrastructure construction.

In addition, the DEIS does not contain a wetlands mitigation plan. The Council of Environmental Quality's January 14, 2011 Memorandum on the Appropriate Use of Mitigation and Monitoring and Clarifying the Use of Mitigated Finding of No Significant Impacts states that mitigation activities are part of a project and need to be identified and evaluated in order to fully disclose the impacts of a project.

Moreover, the preferred alternative, C3, has the second highest impacts to wetlands and the highest impacts to the Puerto Rican plain pigeon habitat. To comply with the Clean Water Act 404 (b)(1) Guidelines, impacts must be avoided or minimized before mitigation is considered. The criteria used for selection of the preferred alternative must be made clear in order to demonstrate compliance with the guidelines.

Based upon the review of the DEIS, EPA has rated the project and document "Environmental Concerns – insufficient information" (EC-2). We have concerns due to the lack of analysis of indirect impacts of economic growth, and the lack of a wetlands mitigation plan within the DEIS.

EPA also has the following comments:

Alternatives:

- As indicated in the Executive Summary and Traffic Study, the original concept for the Cidra Corridor was for a two lane highway (one lane in each direction). However, analysis results indicated that at least 63% of the road length would need three or four lanes for climbing due to the hilly topography of the area. With trucks comprising only 9% of the existing traffic on PR-172, are there any other alternatives that could accommodate the small percentage of trucks for speed and inclines, such as a truck only corridor with one lane each way, to lower the impact of the corridor on the environment?
- After crossing PR-7733, all build alternatives would continue southeast, crossing various municipal roads that connect Los Pinos, Martinez and Quintas Gloria Sectors. Residences for these sectors separated from the existing transportation system by the new road could be accessed by a new municipal road parallel to the new corridor that could be accessed from the PR-734, or a through bridge at the new connector that would allow the underpass of residents in these communities and eventual access to PR-734. This new road/through bridge should be analyzed for direct and indirect impacts to the community and environment. A map of the detailed area should also be provided.

Wetlands:

- The preferred alternative, C3 will impact 12.23 acres of wetlands. This is a significant amount of wetland acreage, and a mitigation plan should be supplied within the EIS to determine whether these impacts are appropriately mitigated. As stated in the Council of Environmental Quality's January 14, 2001 Memorandum on the Appropriate use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact, "Mitigation measures included in the project design are integral components of the proposed action, are implemented with the proposed action, and therefore should be clearly described as part of the proposed action that the agency will perform or require to be performed." This information is necessary for the public and agencies to

determine the full impacts of the project and whether the mitigation plan is appropriate to that impact. EPA also notes that under the 2008 Compensatory Mitigation for Losses of Aquatic Resources Rule, district engineers must consider any timely comments and recommendations from other federal agencies; tribal, state, or local governments; and the public for individual permits under Section 404 of the Clean Water Act. The DEIS provides an early venue for ensuring that there is adequate time and information for public comment.

- As discussed above, the construction of an on-site 36.69 acre forested wetland mitigation area, as per the standards set forth by the Puerto Rico Highways and Transportation Authority (PRHTA) in the EIS, may create other environmental impacts that should be analyzed in the EIS. Given the topography of the terrain to be traversed by the project, the proposed mitigation may require extensive regrading and intensive maintenance to achieve an acceptable mitigation of the impacted wetland's functional values.
- The EIS main report does not identify the wetland impacted as forested wetlands.
- A bridge is proposed over the Sabana River that would be used as a cattle crossing for the Tres Monjitas Dairy. The DEIS should describe the cattle crossing, and how the Sabana River would be protected from erosion and turbidity due to cattle movement.

Land Use:

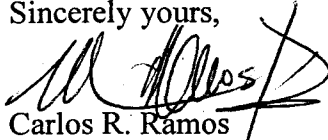
- Near the connection with PR-1, the preferred alternative, C3, will impact 4.22 acres of "Especially Protected Rustic Land" defined as land that has special characteristics of high ecological or agricultural value and is identified for protection. The EIS does not discuss the any avoidance measures or mitigation for this land use.

Noise:

- Noise mitigation is proposed at those receptors that approach or exceed the noise abatement criteria, however, details of this mitigation "will be evaluated during the final design stage." A noise abatement mitigation plan should be included in the EIS to ensure public comment.

We appreciate the opportunity to comment on the DEIS. EPA staff is available to discuss these comments and provide assistance in responding to these issues. If you have any questions on our comments, please call Lingard Knutson of my staff at (212) 637-3747.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Carlos R. Ramos', is written over the typed name.

Carlos R. Ramos
Acting Branch Chief
Strategic Planning, Multi-Media Programs Branch

Enclosure

cc: John Simkins
Senior Environmental Specialist

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."